

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALFRED MALINOWSKI	:	CIVIL ACTION
	:	
v.	:	
	:	
JENNIFER GELLNER, ESQUIRE	:	
and MERRIAM & ISAACSON	:	No. 06-cv-05050-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

March 5, 2007

Defendants have filed a motion to dismiss plaintiff's complaint, under Rule 12(b)(6) for failure to state a claim, and for improper venue. The motion will be denied. Regardless of whether there is or is not a viable claim for "negligent referral," plaintiff's complaint adequately charges the defendants with their own negligence in providing legal advice to plaintiff, and thus passes muster under Rule 12(b)(6). This court has personal jurisdiction over the defendants, and venue in this District is proper.

An Order follows.

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ORDER

AND NOW, this 5<sup>th</sup> day of March 2007, upon consideration  
of defendants' motion to dismiss and plaintiff's response, IT IS  
ORDERED:

That the motion is DENIED.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.